

SENATE, No. 3520

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 4, 2019

Sponsored by:

Senator BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Authorizes mayors to veto proposed actions of municipal authorities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2019)

1 AN ACT authorizing mayors to veto actions of municipal authorities
2 and revising various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 22 of P.L.1983, c.313 (C.40A:5A-22) is amended to
8 read as follows:

9 22. a. Records of minutes, accounts, bills, vouchers, contracts
10 or other papers connected with or used or filed with any authority or
11 with any officer or employee acting for or in its behalf are declared
12 to be public records, and shall be open to public inspection in
13 accordance with P.L.1963, c. 73 (C. 47:1A-1 et seq.) and
14 regulations of the authority.

15 b. (1) The secretary of an authority created by a municipality,
16 including a joint municipal authority, which has adopted an
17 ordinance authorizing the mayor to veto the minutes of the
18 authority, shall certify and deliver a copy of the approved minutes
19 of every meeting of the authority to the mayor and each member of
20 the governing body of the municipality by the end of the fifth
21 business day following the meeting at which the minutes were
22 approved. No action taken at a meeting of an authority created by a
23 municipality shall take effect until 10 days after the date of
24 delivery.

25 (2) Within 10 days of the date of delivery, the mayor of a
26 municipality that has created an authority, with the consent of a
27 majority of the members of the governing body of the municipality,
28 may veto any action taken by the authority, or any member thereof,
29 at a meeting of the authority. If the mayor takes no action with
30 respect to the minutes within the 10-day period, the minutes shall be
31 deemed to be approved.

32 (3) An action taken at a meeting of an authority created by a
33 municipality shall not take effect if, within 10 days after the date of
34 delivery, the mayor and governing body veto the action taken by the
35 authority, or a member thereof, and return to the authority a copy of
36 the minutes with a veto of the action taken.

37 (4) The veto power accorded under this subsection shall not
38 affect in any way the covenants contained in the bond indentures of
39 the authority, or any collective bargaining agreement or binding
40 arbitration decisions affecting employees of the authority.

41 (5) The provisions of this subsection shall not apply to an
42 authority established pursuant to P.L.1992, c.165 (C.40:54D-
43 1 et seq.).

44 (cf: P.L.1983, c.313, s.22)

45
46 2. R.S.40:48-1 is amended to read as follows:

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 40:48-1. Ordinances; general purpose. The governing body of
2 every municipality may make, amend, repeal and enforce
3 ordinances to:

4 Finances and property. 1. Manage, regulate and control the
5 finances and property, real and personal, of the municipality;

6 Contracts and contractor's bonds. 2. Prescribe the form and
7 manner of execution and approval of all contracts to be executed by
8 the municipality and of all bonds to be given to it;

9 Officers and employees; duties, terms and salaries. 3. Prescribe
10 and define, except as otherwise provided by law, the duties and
11 terms of office or employment, of all officers and employees; and to
12 provide for the employment and compensation of such officials and
13 employees, in addition to those provided for by statute, as may be
14 deemed necessary for the efficient conduct of the affairs of the
15 municipality;

16 Fees. 4. Fix the fees of any officer or employee of the
17 municipality for any service rendered in connection with his office
18 or position, for which no specific fee or compensation is provided.
19 In the case of salaried officers or employees, such fee shall be paid
20 into the municipal treasury;

21 Salaries instead of fees; disposition of fees. 5. Provide that any
22 officer or employee receiving compensation for his services, in
23 whole or in part by fees, whether paid by the municipality or
24 otherwise, shall be paid a salary to be fixed in the ordinance, and
25 thereafter all fees received by such officer or employee shall be
26 paid into the municipal treasury;

27 Maintain order. 6. Prevent vice, drunkenness and immorality; to
28 preserve the public peace and order; to prevent and quell riots,
29 disturbances and disorderly assemblages; to prohibit the
30 consumption of alcoholic beverages by underage persons on private
31 property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

32 Punish beggars; prevention of loitering. 7. Restrain and punish
33 drunkards, vagrants, mendicants and street beggars; to prevent
34 loitering, lounging or sleeping in the streets, parks or public places;

35 Auctions and noises. 8. Regulate the ringing of bells and the
36 crying of goods and other commodities for sale at auction or
37 otherwise, and to prevent disturbing noises;

38 Swimming; bathing costume; prohibition of public nudity. 9.
39 Regulate or prohibit swimming or bathing in the waters of, in, or
40 bounding the municipality, and to regulate or prohibit persons from
41 appearing upon the public streets, parks and places clad in bathing
42 costumes or robes, or costumes of a similar character; regulate or
43 prohibit persons from appearing in a state of nudity upon all lands
44 within its borders which are under the jurisdiction of the State
45 including, without limitation, all lands owned by, controlled by,
46 managed by or leased by the State;

1 Prohibit annoyance of persons or animals. 10. Regulate or
2 prohibit any practice tending to frighten animals, or to annoy or
3 injure persons in the public streets;

4 Animals; pounds; establishment and regulation. 11. Establish
5 and regulate one or more pounds, and to prohibit or regulate the
6 running at large of horses, cattle, dogs, swine, goats and other
7 animals, and to authorize their impounding and sale for the penalty
8 incurred, and the costs of impounding, keeping and sale; to regulate
9 or prohibit the keeping of cattle, goats or swine in any part of the
10 municipality; to authorize the destruction of dogs running at large
11 therein;

12 Hucksters. 12. Prescribe and regulate the place of vending or
13 exposing for sale articles of merchandise from vehicles;

14 Building regulations; wooden structures. 13. Regulate and
15 control the construction, erection, alteration and repair of buildings
16 and structures of every kind within the municipality; and to
17 prohibit, within certain limits, the construction, erection or
18 alteration of buildings or structures of wood or other combustible
19 material;

20 Inflammable materials; inspect docks and buildings. 14.
21 Regulate the use, storage, sale and disposal of inflammable or
22 combustible materials, and to provide for the protection of life and
23 property from fire, explosions and other dangers; to provide for
24 inspections of buildings, docks, wharves, warehouses and other
25 places, and of goods and materials contained therein, to secure the
26 proper enforcement of such ordinance;

27 Dangerous structures; removal or destruction; procedure. 15.
28 Provide for the removal or destruction of any building, wall or
29 structure which is or may become dangerous to life or health, or
30 might tend to extend a conflagration; and to assess the cost thereof
31 as a municipal lien against the premises;

32 Chimneys and boilers. 16. Regulate the construction and setting
33 up of chimneys, furnaces, stoves, boilers, ovens and other
34 contrivances in which fire is used;

35 Explosives. 17. Regulate, in conformity with the statutes of this
36 State, the manufacture, storage, sale, keeping or conveying of
37 gunpowder, nitroglycerine, dynamite and other explosives;

38 Firearms and fireworks. 18. Regulate and prohibit the sale and
39 use of guns, pistols, firearms, and fireworks of all descriptions;

40 Soft coal. 19. Regulate the use of soft coal in locomotives,
41 factories, power houses and other places;

42 Theaters, schools, churches and public places. 20. Regulate the
43 use of theaters, cinema houses, public halls, schools, churches, and
44 other places where numbers of people assemble, and the exits
45 therefrom, so that escape therefrom may be easily and safely made
46 in case of fire or panic; and to regulate any machinery, scenery,
47 lights, wires and other apparatus, equipment or appliances used in
48 all places of public amusement;

1 Excavations. 21. Regulate excavations below the established
2 grade or curb line of any street, not greater than eight feet, which
3 the owner of any land may make, in the erection of any building
4 upon his own property; and to provide for the giving of notice, in
5 writing, of such intended excavation to any adjoining owner or
6 owners, and that they will be required to protect and care for their
7 several foundation walls that may be endangered by such
8 excavation; and to provide that in case of the neglect or refusal, for
9 10 days, of such adjoining owner or owners to take proper action to
10 secure and protect the foundations of any adjacent building or other
11 structure, that the party or parties giving such notice, or their
12 agents, contractors or employees, may enter into and upon such
13 adjoining property and do all necessary work to make such
14 foundations secure, and may recover the cost of such work and
15 labor in so protecting such adjacent property; and to make such
16 further and other provisions in relation to the proper conduct and
17 performance of said work as the governing body or board of the
18 municipality may deem necessary and proper;

19 Sample medicines. 22. Regulate and prohibit the distribution,
20 depositing or leaving on the public streets or highways, public
21 places or private property, or at any private place or places within
22 any such municipality, any medicine, medicinal preparation or
23 preparations represented to cure ailments or diseases of the body or
24 mind, or any samples thereof, or any advertisements or circulars
25 relating thereto, but no ordinance shall prohibit a delivery of any
26 such article to any person above the age of 12 years willing to
27 receive the same;

28 Boating. 23. Regulate the use of motor and other boats upon
29 waters within or bounding the municipality;

30 Fire escapes. 24. Provide for the erection of fire escapes on
31 buildings in the municipality, and to provide rules and regulations
32 concerning the construction and maintenance of the same, and for
33 the prevention of any obstruction thereof or thereon;

34 Care of injured employees. 25. Provide for the payment of
35 compensation and for medical attendance to any officer or
36 employee of the municipality injured in the performance of his
37 duty;

38 Bulkheads and other structures. 26. Fix and determine the lines
39 of bulkheads or other works or structures to be erected, constructed
40 or maintained by the owners of lands facing upon any navigable
41 water in front of their lands, and in front of or along any highway or
42 public lands of said municipality, and to designate the materials to
43 be used, and the type, height and dimensions thereof;

44 Lifeguard. 27. Establish, maintain, regulate and control a
45 lifeguard upon any beach within or bordering on the municipality;

46 Appropriation for life-saving apparatus. 28. Appropriate
47 moneys to safeguard people from drowning within its borders, by
48 location of apparatus or conduct of educational work in harmony

1 with the plans of the United States volunteer life-saving corps in
2 this State;

3 Fences. 29. Regulate the size, height and dimensions of any
4 fences between the lands of adjoining owners, whether built or
5 erected as division or partition fences between such lands, and
6 whether the same exist or be erected entirely or only partly upon the
7 lands of any such adjoining owners, or along or immediately
8 adjacent to any division or partition line of such lands. To provide,
9 in such ordinance, the manner of securing, fastening or shoring such
10 fences, and for surveying the land when required by statute, and to
11 prohibit in any such ordinance the use at a height of under 10 feet
12 from the ground, of any device, such as wire or cable, that would be
13 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-
14 the-road vehicles, unless that device is clearly visible to pedestrians,
15 equestrians, bicyclists or drivers of off-the-road vehicles. In the
16 case of fences thereafter erected contrary to the provisions thereof,
17 the governing body may provide for a penalty for the violation of
18 such ordinance, and in the case of such fence or fences erected or
19 existing at the time of the passage of any such ordinance, may
20 provide therein for the removal, change or alteration thereof, so as
21 to make such fence or fences comply with the provisions of any
22 such ordinance;

23 Advertise municipality. 30. Appropriate funds for advertising
24 the advantages of the municipality;

25 Government Energy Aggregation Programs. 31. Establish
26 programs and procedures pursuant to which the municipality may
27 act as a government aggregator pursuant to sections 40 through 43
28 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of
29 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,
30 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the
31 provisions of any other law, rule or regulation to the contrary, a
32 municipality acting as a government aggregator pursuant to
33 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public
34 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed
35 to be operating any form of public utility service pursuant to
36 R.S.40:62-1 et seq., to the extent such municipality is solely
37 engaged in the provision of such aggregation service and not
38 otherwise owning or operating any plant or facility for the
39 production or distribution of gas, electricity, steam or other product
40 as provided in R.S.40:62-12;

41 Joint municipal action on consent for the provision of cable
42 television service. 32. Establish programs and procedures pursuant
43 to which a municipality may act together with one or more
44 municipalities in granting municipal consent for the provision of
45 cable television service pursuant to the provisions of the "Cable
46 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended
47 and supplemented. Notwithstanding the provisions of any other law,
48 rule or regulation to the contrary, two or more municipalities acting

1 jointly pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et
2 seq.) shall not be deemed a public utility pursuant to R.S.48:1-1 et
3 seq., to the extent those municipalities are solely engaged in
4 granting municipal consent jointly and are not otherwise owning or
5 operating any facility for the provision of cable television service as
6 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

7 Private cable television service aggregation programs. 33.
8 Establish programs and procedures pursuant to which a
9 municipality may employ the services of a private aggregator for
10 the purpose of facilitating the joint action of two or more
11 municipalities in granting municipal consent for the provision of
12 cable television service provided that any such municipality shall
13 adhere to the provisions of the "Cable Television Act," P.L.1972,
14 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the
15 provisions of the "Local Public Contracts Law," P.L.1971, c.198
16 (C.40A:11-1 et seq.) as amended and supplemented.
17 Notwithstanding the provisions of any other law, rule or regulation
18 to the contrary, a municipality that employs the services of a private
19 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-
20 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-
21 1 et seq., to the extent that the municipality is solely engaged in
22 employing the services of a private aggregator for the purpose of
23 facilitating the joint action of two or more municipalities in
24 granting municipal consent and is not otherwise owning or
25 operating any facility for the provision of cable television service as
26 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

27 Protective Custody. 34. Provide protective custody to persons
28 arrested for operating a motor vehicle under the influence of
29 alcoholic beverages, any chemical substance, or any controlled
30 dangerous substance in violation of R.S.39:4-50 as provided in
31 section 1 of P.L.2003, c.164 (C.40:48-1.3);

32 Private Outdoor Video Surveillance Camera Registry. 35.
33 Establish a private outdoor video surveillance camera registry and
34 allow voluntary registration of private outdoor video surveillance
35 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

36 Authorities. 36. Provide the mayor with veto power over the
37 approved minutes of any authority, to which the municipality is
38 required to appoint one or more members, pursuant to the
39 provisions of section 22 of P.L.1983, c.313 (C.40A:5A-22). The
40 municipal clerk of a municipality adopting an ordinance pursuant to
41 this paragraph shall forward a copy of the ordinance to any
42 authority to which the municipality is required to appoint one or
43 more members no later than five days following final passage of the
44 ordinance.

45 (cf: P.L.2015, c.142, s.3.)

46

47 3. Section 6 of P.L.2006, c.46 (C.30:9-23.20) is amended to
48 read as follows:

1 6. a. (1) A municipal authority shall exercise its powers and
2 duties to manage and operate a hospital owned by it through a
3 contract or contracts with a manager, which may be entered into
4 without public advertising for bid as otherwise required pursuant to
5 the provisions of section 3 of P.L.1971, c.198 (C.40A:11-3);
6 provided, however, that the primary responsibility of operating the
7 hospital shall remain that of the authority.

8 (2) A county authority may exercise its powers and duties to
9 manage, operate, and maintain a county hospital through a contract
10 or contracts with a manager, which contract or contracts shall be
11 entered into by competitive contracting pursuant to the "Local
12 Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

13 b. (1) The initial duration of a contract entered into pursuant
14 to paragraph (1) of subsection a. of this section shall not exceed five
15 years. A contract entered into pursuant to paragraph (1) of
16 subsection a. of this section may be renewed for an additional
17 period, not to exceed five years. A contract entered into pursuant to
18 paragraph (1) of subsection a. of this section more than ten years
19 from the date of the initial contract shall be negotiated as a new
20 contract and not as a renewal contract.

21 (2) The initial duration of a contract entered into pursuant to
22 paragraph (2) of subsection a. of this section shall not exceed the
23 term provided for in subsection (47) of section 15 of P.L.1971,
24 c.198 (C.40A:11-15).

25 c. A contract, or a renewal thereof, with a manager to manage
26 and operate a hospital shall be effective only with the prior written
27 consent of the Local Finance Board, which shall consult with the
28 Commissioner of Health **and Senior Services**. The Local Finance
29 Board shall establish an application procedure, submission
30 requirements, and set minimum standards and content that shall be
31 included in any contract with an entity to manage and operate a
32 hospital.

33 A contract with a manager shall provide that, in addition to such
34 other matters as determined to be necessary by the authority or as
35 otherwise required by law or regulation:

36 (1) The authority or its agents, and the city or county or the
37 agents of the city or county, shall have independent access to the
38 books and records of the hospital at all times;

39 (2) The Governor of the State of New Jersey shall appoint an
40 individual to serve on the board of directors of the manager during
41 the term of the contract, including renewals; and

42 (3) Other than for routine, day-to-day business activities, the
43 authority shall have the final determination regarding the
44 acquisition and disposition of assets, or the incurring of debt or
45 expenses.

46 d. When contracting with a manager, the individuals that the
47 manager proposes to designate as the hospital's chief executive
48 officer and chief financial officer, by whatever title, and any change

1 thereof, and all contracts or other arrangements setting forth terms
2 and conditions of employment for those positions shall be subject to
3 the approval of the authority.

4 e. An authority shall take the following actions pursuant to any
5 requirements that may be established by the Local Finance Board:

6 (1) adopt a management plan for the hospital, including
7 monitoring and review methods of financial activities;

8 (2) set minimum requirements for meetings of the authority, and
9 minimum attendance requirements for members;

10 (3) establish a formal mechanism for communication among the
11 members of the authority's board, hospital administrators and
12 medical staff;

13 (4) form a finance committee, which shall be responsible for the
14 oversight of the finances of the authority, and delineate the duties
15 and obligations of the finance committee; and

16 (5) include minimum provisions that shall be included in a
17 contract with a manager. Such provisions shall include the
18 submission of an annual budget of the hospital and of the manager
19 by the manager for the approval of the authority. The approval of
20 these items shall be conditioned upon the approval of the authority's
21 annual budget pursuant to the "Local Authorities Fiscal Control
22 Law," P.L.1983, c.313 (C.40A:5A-1 et seq.). The budget and any
23 supporting documents as may be required by the Division of Local
24 Government Services shall be submitted to the division as part of
25 the submission of the authority's annual budget.

26 f. The secretary of an authority created by a municipality shall
27 certify and deliver a copy of the approved minutes of every meeting
28 of the authority to the mayor and each member of the governing
29 body of the municipality by the end of the fifth business day
30 following the meeting at which the minutes were approved. No
31 action taken at a meeting of an authority created by a municipality
32 shall take effect until 10 days after the date of delivery. Within 10
33 days of the date of delivery, the mayor of a municipality that has
34 created an authority, with the consent of a majority of the members
35 of the governing body of the municipality, may veto any action
36 taken by the authority, or any member thereof, at a meeting of the
37 authority. If the mayor takes no action with respect to the minutes
38 within the 10-day period, the minutes shall be deemed to be
39 approved. An action taken at a meeting of an authority created by a
40 municipality shall not take effect if, within 10 days after the date of
41 delivery, the mayor and governing body veto the action taken by the
42 authority, or a member thereof, and return to the authority a copy of
43 the minutes with a veto of the action taken. The veto power
44 accorded under this paragraph shall not affect in any way the
45 covenants contained in the bond indentures of the authority, or any
46 collective bargaining agreement or binding arbitration decisions
47 affecting employees of the authority.

48 (cf: P.L.2016, c.55, s.5)

1 4. Section 6 of P.L.1948, c.198 (C.40:11A-6) is amended to
2 read as follows:

3 6. (1) Every parking authority shall constitute a public body
4 corporate and politic and a political subdivision of the State with
5 the same territorial boundaries as the boundaries of the municipality
6 or county creating the authority, exercising public and essential
7 governmental functions, and having all the powers necessary or
8 convenient to carry out and effectuate its corporate purposes and the
9 purposes and provisions of **【this act】** P.L.1948, c.198 (40:11A-
10 1 et seq.).

11 (2) The purposes of every parking authority shall be the
12 construction, provision or operation of offstreet parking projects
13 within its area of operation and, subject to the provisions of
14 R.S.39:4-202, shall include, to the extent authorized by the
15 governing body of the municipality, the management and operation
16 of onstreet and other parking meters and related facilities and
17 enforcement of the applicable law, ordinances and regulations as to
18 the parking of vehicles in such municipality, and the consequent
19 promotion of free movement of traffic and relief of traffic
20 congestion on the streets of said area or municipality and
21 improvement of conditions affecting the public safety and welfare
22 therein.

23 (3) Every parking authority is hereby authorized to plan, design,
24 construct, reconstruct, enlarge, improve, manage, maintain, repair,
25 operate and use such parking project or projects as in the opinion of
26 the authority will provide an effective and satisfactory method for
27 promoting the purposes of the authority.

28 (4) Every parking authority shall have perpetual succession and
29 have the following powers in addition to any others herein granted:

30 (a) To sue and be sued; to have a seal and to alter the same at
31 pleasure; to make and execute contracts and other instruments
32 necessary or convenient to the exercise of the powers of the
33 authority; and to make and from time to time amend and repeal
34 bylaws, rules and regulations, not inconsistent with this act, to carry
35 into effect the powers and purposes of the authority.

36 (b) To conduct research respecting parking and the possibility or
37 necessity of fulfillment of public needs in relation thereto.

38 (c) To acquire by gift, purchase, lease, devise or otherwise and
39 hold and use, and to construct, improve, maintain, operate, own,
40 manage, or lease either in a capacity of lessor or lessee parking
41 projects and any land, franchise, property, real, personal or mixed,
42 tangible or intangible, or any interest therein, meters, equipment or
43 facilities to be devoted to the parking or storage of vehicles of any
44 kind or which in the opinion of the authority are necessary or useful
45 and convenient in connection therewith or with the promotion of
46 free movement of traffic, subject to the provisions of R.S.39:4-202.

47 (d) Subject to the provisions of paragraph **【5】** (5) of this
48 section, to lease as lessor any real property, parking project or

1 portion or portions of parking projects for any business, commercial
2 or other use to any person for such consideration and for such
3 period or periods of time and upon such other terms and conditions
4 as it may fix and agree upon. Any such lease may be upon condition
5 that the lessee shall or may construct or provide any building or
6 buildings or other facilities on such real property, parking project or
7 projects or portions thereof, including space for business,
8 commercial or other uses, all upon such terms and conditions as
9 may be agreed upon.

10 (e) To sell, transfer and dispose of any property or interest
11 therein at any time acquired by it upon such terms and conditions as
12 it may determine, with or without public bidding.

13 (f) To fix, alter, charge and collect rents, rates and other charges
14 at reasonable rates to be determined exclusively by it, for the use of
15 the facilities and projects of the authority and for all services sold,
16 furnished or supplied directly or indirectly by the authority through
17 said facilities and projects, which shall, together with any grants,
18 receipts, contributions or income from other sources, be sufficient
19 to provide for the payment of the expenses of the authority, repair,
20 maintenance and operation of its facilities and projects, and
21 payment of the principal of and interest on, and any premiums
22 upon the redemption of, its bonds and other obligations, and to
23 fulfill the terms and provisions of any agreements made with the
24 purchasers or holders of any such bonds or other obligations.

25 (g) To invest any funds held in reserve or sinking funds, or any
26 funds not required for immediate disbursement, in property or
27 securities in which savings banks may legally invest funds subject
28 to their control.

29 (h) To borrow money and accept grants from and to enter into
30 contracts, leases or other transactions with the State of New Jersey,
31 any Federal agency, any person, or any municipality, county or
32 other public body.

33 (i) To mortgage, pledge, hypothecate or otherwise encumber all
34 or any of its property or assets then existing or thereafter acquired
35 or coming into existence, including real and personal property
36 donated to it by a municipality or county.

37 (j) To enter into contracts with the State of New Jersey or any
38 municipality, county or governmental agency for the use of any
39 project of the authority.

40 (k) To do and perform any acts and things authorized by [this
41 act] P.L.1948, c.198 (C.40:11A-1 et seq.) under, through or by
42 means of its own officers, agents and employees, or by contract
43 with any person.

44 (l) To enter into and perform any and all contracts, execute any
45 and all instruments, and do and perform any and all acts and things
46 necessary or useful and convenient for the purposes of the authority
47 or to carry out any of the powers expressly granted to it by [this
48 act] P.L.1948, c.198 (C.40:11A-1 et seq.) or any other acts subject

1 to P.L.1971, c.198 "Local Public Contracts Law" (C.40A:11-
2 1 et seq.).

3 (5) No parking authority shall engage directly in the sale of
4 gasoline or accessories for, or in the repair or other servicing of,
5 automobiles and other motor vehicles except in emergency, or shall
6 engage directly in the sale of any commodity of trade or commerce,
7 but any authority may include in any parking project, and provide
8 and lease as lessor, structures, buildings, space or accommodations
9 (whether constructed by the authority or by a lessee) for any
10 business, commercial or other use, including the sale of gasoline or
11 accessories for, or the repair or other servicing of, automobiles and
12 other motor vehicles, if, in the opinion of the authority, such
13 inclusion, provision and proposed leasing is necessary to assist in
14 defraying the expenses of the authority and make possible the
15 operation of the parking facilities of such project at reasonable rates
16 and will increase the facilities for offstreet parking which can be
17 feasibly included, financed, constructed and operated as part of
18 such project.

19 (6) The secretary of an authority created by a municipality shall
20 certify and deliver a copy of the approved minutes of every meeting
21 of the authority to the mayor and each member of the governing
22 body of the municipality by the end of the fifth business day
23 following the meeting at which the minutes were approved. No
24 action taken at a meeting of an authority created by a municipality
25 shall take effect until 10 days after the date of delivery. Within 10
26 days of the date of delivery, the mayor of a municipality that has
27 created an authority, with the consent of a majority of the members
28 of the governing body of the municipality, may veto any action
29 taken by the authority, or any member thereof, at a meeting of the
30 authority. If the mayor takes no action with respect to the minutes
31 within the 10-day period, the minutes shall be deemed to be
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34 delivery, the mayor and governing body veto the action taken by the
35 authority, or a member thereof, and return to the authority a copy of
36 the minutes with a veto of the action taken. The veto power
37 accorded under this paragraph shall not affect in any way the
38 covenants contained in the bond indentures of the authority, or any
39 collective bargaining agreement or binding arbitration decisions
40 affecting employees of the authority.

41 (cf: P.L.1975, c.96, s.1)

42

43 5. Section 5 of P.L.1946, c.138 (C.40:14A-5) is amended to
44 read as follows:

45 5. (a) The powers of a sewerage authority shall be vested in
46 the members thereof in office from time to time. A majority of the
47 entire authorized membership of the sewerage authority shall
48 constitute a quorum at any meeting thereof. Action may be taken

1 and motions and resolutions adopted by the sewerage authority at
2 any meeting of the members thereof by vote of a majority of the
3 members present, unless in any case the by-laws of the sewerage
4 authority shall require a larger number. The sewerage authority may
5 delegate to one or more of its officers, agents or employees such
6 powers and duties as it may deem proper.

7 The minutes of every meeting of an authority created by a county
8 organized pursuant to the provisions of the "county executive plan"
9 of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-
10 1 et seq.) shall be delivered by the end of the fifth business day
11 following the meeting, except as otherwise provided herein, by and
12 under the certification of the secretary of the authority to the county
13 executive. Except as otherwise provided herein, no action taken at
14 a meeting by the members of an authority shall be effective until
15 approved by the county executive or until 10 days after the copy of
16 the minutes shall have been delivered. If, within the 10-day period,
17 the county executive returns to the authority and to the board of
18 freeholders the copy of the minutes with a veto of any action taken
19 by the authority or any member thereof at a meeting, together with a
20 written explanation of the reasons for his veto of the action, that
21 action shall be of no effect unless the board of freeholders overrides
22 the veto of the action by a majority vote of its full membership
23 within 10 days of the receipt of the veto action. The county
24 executive may approve all or any part of an action taken at a
25 meeting prior to the expiration of the 10-day period. If the county
26 executive takes no action with respect to the minutes within the 10-
27 day period, the minutes shall be deemed to be approved. The veto
28 powers accorded under this subsection shall not affect in any way
29 the covenants contained in the bond indentures of the authority, or
30 any collective bargaining agreement or binding arbitration decisions
31 affecting employees of the authority.

32 No resolution or other action of the authority providing for the
33 issuance or refunding of bonds or other financial obligations shall
34 be adopted or otherwise made effective by the authority without the
35 prior approval in writing of the county executive. This power shall
36 be exercised with due regard for the rights of the holders of bonds
37 of the authority at any time outstanding, and nothing in, or done
38 pursuant to, this subsection shall in any way limit, restrict or alter
39 the obligations or powers of the authority or any representative or
40 officer of the authority to carry out and perform in every detail each
41 and every covenant, agreement or contract at any time made or
42 entered into by or on behalf of the authority with respect to its
43 bonds or for the benefit, protection or security of the holders
44 thereof.

45 If two-thirds or more of the members of an authority make a
46 determination that an action taken at a meeting is in response to an
47 emergency situation, a copy of the minutes of that meeting shall be
48 delivered to the county executive as soon as practicable following

1 the meeting and the county executive shall have up to 24 hours after
2 the copy of the minutes has been delivered to approve or veto the
3 minutes of that meeting. If the county executive takes no action
4 with respect to the minutes within the 24-hour period, the minutes
5 shall be deemed approved. If, within the 24-hour period, the county
6 executive returns to the authority and to the board of freeholders the
7 copy of the minutes with a veto of any action taken by the authority
8 or any member thereof at the meeting, together with a written
9 explanation of the reasons for his veto of the action, that action
10 shall be of no effect unless the board of freeholders overrides the
11 veto of the action by a majority vote of its full membership within
12 48 hours of the receipt of the veto action.

13 (b) Each member of a sewerage authority shall hold office for
14 the term for which he was appointed and until his successor has
15 been appointed and has qualified.

16 (c) No member, officer or employee of a sewerage authority
17 shall have or acquire any interest, direct or indirect, in the sewerage
18 system or in any property included or planned to be included in the
19 sewerage system or in any contract or proposed contract for
20 materials or services to be furnished to or used by the sewerage
21 authority, but neither the holding of any office or employment in
22 the government of any county or municipality or under any law of
23 the State nor the owning of any property within the State shall be
24 deemed a disqualification for membership in or employment by a
25 sewerage authority, and members of the governing body of a local
26 unit may be appointed by such governing body and may serve as
27 members of a sewerage authority. A member of a sewerage
28 authority may be removed only by the governing body by which he
29 was appointed and only for inefficiency or neglect of duty or
30 misconduct in office and after he shall have been given a copy of
31 the charges against him and, not sooner than ten days thereafter,
32 had opportunity in person or by counsel to be heard thereon by such
33 governing body.

34 (d) A sewerage authority may reimburse its members for
35 necessary expenses incurred in the discharge of their duties. The
36 resolution, ordinance or parallel ordinances for the creation of a
37 sewerage authority may provide that the members of the sewerage
38 authority may receive compensation for their services within an
39 annual and other limitations to be stated in such resolution,
40 ordinance or parallel ordinances, and in that event, each member
41 may receive from the sewerage authority such compensation for his
42 services as the sewerage authority may determine within the
43 limitations stated in such resolution, ordinance or parallel
44 ordinances. The said annual or other limitations stated in any such
45 resolution, ordinance or parallel ordinances may be amended by
46 subsequent resolution, ordinance or parallel ordinances, as the case
47 may be, but no reduction of any such limitation shall be effective as
48 to any member of the sewerage authority then in office except upon

1 the written consent of the sewerage authority. No member of any
2 sewerage authority shall receive any compensation for his services
3 except as provided in this subsection.

4 (e) Every sewerage authority, upon the first appointment of its
5 members and thereafter on or after the first day of February in each
6 year, shall annually elect from among its members a chairman and a
7 vice-chairman who shall hold office, until the first day of February
8 next ensuing and until their respective successors have been
9 appointed and have qualified. Every sewerage authority may also,
10 without regard to the provisions of Title 11 of the Revised Statutes,
11 appoint and employ a secretary and such professional and technical
12 advisers and experts and such other officers, agents and employees
13 as it may require, and shall determine their qualifications, terms of
14 office, duties and compensation.

15 (f) The minutes of every meeting of an authority created by a
16 county which has not adopted the provisions of the "Optional
17 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall
18 be delivered by the end of the fifth business day following the
19 meeting, by and under the certification of the secretary of the
20 authority to each member of the county board of freeholders. No
21 action taken at a meeting by the members of an authority shall be
22 effective if, within 10 days after the copy of the minutes shall have
23 been delivered to each member of the board of freeholders, such
24 action is vetoed by the director of the board of freeholders, with the
25 concurrence of a majority of the members of the board of
26 freeholders. If, within the 10-day period, the board of freeholders
27 returns to the authority the copy of the minutes with a veto of any
28 action taken by the authority or any of the authority's members
29 thereof at a meeting, that action shall be of no effect. If the director
30 takes no action with respect to the minutes within the 10-day
31 period, the minutes shall be deemed to be approved. The veto power
32 accorded under this subsection shall not affect in any way the
33 covenants contained in the bond indentures of the authority, or any
34 collective bargaining agreement or binding arbitration decisions
35 affecting employees of the authority.

36 (g) The secretary of an authority created by a municipality shall
37 certify and deliver a copy of the approved minutes of every meeting
38 of the authority to the mayor and each member of the governing
39 body of the municipality by the end of the fifth business day
40 following the meeting at which the minutes were approved. No
41 action taken at a meeting of an authority created by a municipality
42 shall take effect until 10 days after the date of delivery. Within 10
43 days of the date of delivery, the mayor of a municipality that has
44 created an authority, with the consent of a majority of the members
45 of the governing body of the municipality, may veto any action
46 taken by the authority, or any member thereof, at a meeting of the
47 authority. If the mayor takes no action with respect to the minutes
48 within the 10-day period, the minutes shall be deemed to be

1 approved. An action taken at a meeting of an authority created by a
2 municipality shall not take effect if, within 10 days after the date of
3 delivery, the mayor and governing body veto the action taken by the
4 authority, or a member thereof, and return to the authority a copy of
5 the minutes with a veto of the action taken. The veto power
6 accorded under this subsection shall not affect in any way the
7 covenants contained in the bond indentures of the authority, or any
8 collective bargaining agreement or binding arbitration decisions
9 affecting employees of the authority.

10 (cf: P.L.2010, c.52, s.2)

11
12 6. Section 14 of P.L.1957, c.183 (C.40:14B-14) is amended to
13 read as follows:

14 14. a. The powers of a municipal authority shall be vested in
15 the members thereof in office from time to time. A majority of the
16 entire authorized membership of the municipal authority shall
17 constitute a quorum at any meeting thereof. Action may be taken
18 and motions and resolutions adopted by the municipal authority at
19 any meeting of the members thereof by vote of a majority of the
20 members present, unless in any case the by-laws of the municipal
21 authority shall require a larger number.

22 b. The minutes of every meeting of an authority created by a
23 county organized pursuant to the provisions of the "county
24 executive plan" of the "Optional County Charter Law," P.L.1972,
25 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the fifth
26 business day following the meeting, except as otherwise provided in
27 subsection d. of this section, by and under the certification of the
28 secretary of the authority to the county executive. Except as
29 otherwise provided in subsection d. of this section, no action taken
30 at a meeting by the members of an authority shall be effective until
31 approved by the county executive or until 10 days after the copy of
32 the minutes shall have been delivered. If, within the 10-day period,
33 the county executive returns to the authority and to the board of
34 freeholders the copy of the minutes with a veto of any action taken
35 by the authority or any member thereof at a meeting, together with a
36 written explanation of the reasons for his veto of the action, that
37 action shall be of no effect unless the board of freeholders overrides
38 the veto of the action by a majority vote of its full membership
39 within 10 days of the receipt of the veto action. The county
40 executive may approve all or any part of an action taken at a
41 meeting prior to the expiration of the 10-day period. If the county
42 executive takes no action with respect to the minutes within the 10-
43 day period, the minutes shall be deemed to be approved. The veto
44 powers accorded under this subsection shall not affect in any way
45 the covenants contained in the bond indentures of the authority, or
46 any collective bargaining agreement or binding arbitration decisions
47 affecting employees of the authority.

1 c. No resolution or other action of the authority providing for
2 the issuance or refunding of bonds or other financial obligations
3 shall be adopted or otherwise made effective by the authority
4 without the prior approval in writing of the county executive. This
5 power shall be exercised with due regard for the rights of the
6 holders of bonds of the authority at any time outstanding, and
7 nothing in, or done pursuant to, this subsection shall in any way
8 limit, restrict or alter the obligations or powers of the authority or
9 any representative or officer of the authority to carry out and
10 perform in every detail each and every covenant, agreement or
11 contract at any time made or entered into by or on behalf of the
12 authority with respect to its bonds or for the benefit, protection or
13 security of the holders thereof.

14 d. If two-thirds or more of the members of an authority make a
15 determination that an action taken at a meeting is in response to an
16 emergency situation, a copy of the minutes of that meeting shall be
17 delivered to the county executive as soon as practicable following
18 the meeting and the county executive shall have up to 24 hours after
19 the copy of the minutes has been delivered to approve or veto the
20 minutes of that meeting. If the county executive takes no action
21 with respect to the minutes within the 24-hour period, the minutes
22 shall be deemed approved. If, within the 24-hour period, the county
23 executive returns to the authority and to the board of freeholders the
24 copy of the minutes with a veto of any action taken by the authority
25 or any member thereof at the meeting, together with a written
26 explanation of the reasons for his veto of the action, that action
27 shall be of no effect unless the board of freeholders overrides the
28 veto of the action by a majority vote of its full membership within
29 48 hours of the receipt of the veto action.

30 e. The minutes of every meeting of an authority created by a
31 county which has not adopted the provisions of the "Optional
32 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall
33 be delivered by the end of the fifth business day following the
34 meeting, by and under the certification of the secretary of the
35 authority to each member of the county board of freeholders. No
36 action taken at a meeting by the members of an authority shall be
37 effective if within 10 days after the copy of the minutes shall have
38 been delivered to each member of the board of freeholders, such
39 action is vetoed by the director of the board of freeholders, with the
40 concurrence of a majority of the members of the board of
41 freeholders. If, within the 10-day period, the board of freeholders
42 returns to the authority the copy of the minutes with a veto of any
43 action taken by the authority or any of the authority's members
44 thereof at a meeting, that action shall be of no effect. If the director
45 takes no action with respect to the minutes within the 10-day
46 period, the minutes shall be deemed to be approved. The veto power
47 accorded under this subsection shall not affect in any way the
48 covenants contained in the bond indentures of the authority, or any

1 collective bargaining agreement or binding arbitration decisions
2 affecting employees of the authority.

3 f. The secretary of an authority created by a municipality shall
4 certify and deliver a copy of the approved minutes of every meeting
5 of the authority to the mayor and each member of the governing
6 body of the municipality by the end of the fifth business day
7 following the meeting at which the minutes were approved. No
8 action taken at a meeting of an authority created by a municipality
9 shall take effect until 10 days after the date of delivery. Within 10
10 days of the date of delivery, the mayor of a municipality that has
11 created an authority, with the consent of a majority of the members
12 of the governing body of the municipality, may veto any action
13 taken by the authority, or any member thereof, at a meeting of the
14 authority. If the mayor takes no action with respect to the minutes
15 within the 10-day period, the minutes shall be deemed to be
16 approved. An action taken at a meeting of an authority created by a
17 municipality shall not take effect if, within 10 days after the date of
18 delivery, the mayor and governing body veto the action taken by the
19 authority, or a member thereof, and return to the authority a copy of
20 the minutes with a veto of the action taken. The veto power
21 accorded under this subsection shall not affect in any way the
22 covenants contained in the bond indentures of the authority, or any
23 collective bargaining agreement or binding arbitration decisions
24 affecting employees of the authority.

25 (cf: P.L.2010, c.52, s.3)

26
27 7. Section 5 of P.L.1948, c.348 (C.40:66A-5) is amended to
28 read as follows:

29 5. (a) The powers of an incinerator or environmental services
30 authority shall be vested in the members thereof in office from time
31 to time. A majority of the entire authorized membership of the
32 incinerator or environmental services authority shall constitute a
33 quorum at any meeting thereof. Action may be taken and motions
34 and resolutions adopted by the incinerator or environmental
35 services authority at any meeting of the members thereof by vote of
36 a majority of the members present, unless in any case the by-laws of
37 the incinerator or environmental services authority shall require a
38 larger number. The incinerator or environmental services authority
39 may delegate to one or more of its officers, agents or employees
40 such powers and duties as it may deem proper.

41 (b) Each member of an incinerator or environmental services
42 authority shall hold office for the term for which he was appointed
43 and until his successor has been appointed and has qualified.

44 (c) No member, officer or employee of an incinerator or
45 environmental services authority shall have or acquire any interest,
46 direct or indirect, in the garbage disposal system, in any property
47 included or planned to be included in the garbage disposal system
48 or in any contract or proposed contract for materials or services to

1 be furnished to or used by the incinerator or environmental services
2 authority, but neither the holding of any office or employment in
3 the government of any municipality or under any law of the State
4 nor the owning of any property within the State shall be deemed a
5 disqualification for membership in or employment by an incinerator
6 or environmental services authority. A member of an incinerator or
7 environmental services authority may be removed only by the
8 governing body by which he was appointed and only for
9 inefficiency or neglect of duty or misconduct in office and after he
10 shall have been given a copy of the charges against him and, not
11 sooner than ten days thereafter, had opportunity in person or by
12 counsel to be heard thereon by such governing body.

13 (d) An incinerator or environmental services authority may
14 reimburse its members for necessary expenses incurred in the
15 discharge of their duties. The ordinance or parallel ordinances for
16 the creation of an incinerator or environmental services authority
17 may provide that the members of the incinerator or environmental
18 services authority may receive compensation for their services
19 within an annual and other limitations to be stated in such ordinance
20 or parallel ordinances, and in that event, each member may receive
21 from the incinerator or environmental services authority such
22 compensation for his services as the incinerator or environmental
23 services authority may determine within the limitations stated in
24 such ordinance or parallel ordinances. No member of any
25 incinerator or environmental services authority shall receive any
26 compensation for his services except as provided in this subsection.

27 (e) Every incinerator or environmental services authority, upon
28 the first appointment of its members and thereafter on or after the
29 first day of February in each year, shall annually elect from among
30 its members a chairman and a vice-chairman who shall hold office,
31 until the first day of February next ensuing and until their respective
32 successors have been appointed and have qualified. Every
33 incinerator or environmental services authority may also appoint
34 and employ a secretary and such professional and technical advisers
35 and experts and such other officers, agents and employees as it may
36 require, and it shall determine their qualifications, duties and
37 compensation.

38 (f) The secretary of an authority created by a municipality shall
39 certify and deliver a copy of the approved minutes of every meeting
40 of the authority to the mayor and each member of the governing
41 body of the municipality by the end of the fifth business day
42 following the meeting at which the minutes were approved. No
43 action taken at a meeting of an authority created by a municipality
44 shall take effect until 10 days after the date of delivery. Within 10
45 days of the date of delivery, the mayor of a municipality that has
46 created an authority, with the consent of a majority of the members
47 of the governing body of the municipality, may veto any action
48 taken by the authority, or any member thereof, at a meeting of the

1 authority. If the mayor takes no action with respect to the minutes
2 within the 10-day period, the minutes shall be deemed to be
3 approved. An action taken at a meeting of an authority created by a
4 municipality shall not take effect if, within 10 days after the date of
5 delivery, the mayor and governing body veto the action taken by the
6 authority, or a member thereof, and return to the authority a copy of
7 the minutes with a veto of the action taken. The veto power
8 accorded under this subsection shall not affect in any way the
9 covenants contained in the bond indentures of the authority, or any
10 collective bargaining agreement or binding arbitration decisions
11 affecting employees of the authority.
12 (cf: P.L. 2012, c.31, s.5)

13

14 8. Section 15 of P.L.1960, c.192 (C.40:68A-43) is amended to
15 read as follows:

16 15. a. Any municipality shall have power, in the discretion of
17 its governing body, and pursuant to ordinance:

18 (1) To appropriate moneys for the purposes of the municipal
19 port authority, and to loan or donate such moneys to the municipal
20 port authority in such installments and upon such terms as may be
21 agreed upon with the municipal port authority;

22 (2) To covenant and agree with the municipal port authority to
23 pay to, or on order of, the authority annually or at shorter intervals
24 as a subsidy for the promotion of its purposes, amounts not to
25 exceed those stated in the ordinance;

26 (3) To unconditionally guarantee the punctual payment of the
27 principal and interest of bonds of the authority; and

28 (4) Upon authorization by it in accordance with law of the
29 performance of any act or thing which it is empowered by law to
30 authorize and perform, and after appropriation of the moneys
31 necessary, if any, for such performance, to covenant and agree with
32 the authority to do and perform that act or thing and concerning the
33 time, manner and other details of the action or performance.

34 b. Any guaranty of bonds of an authority made pursuant to this
35 section shall be evidenced by endorsement thereof on the bonds,
36 executed in the name of the municipality and on its behalf by the
37 officer designated in the ordinance authorizing such guaranty, and
38 the municipality shall thereupon and thereafter be obligated to pay
39 the principal of and interest on the bonds in the same manner and to
40 the same extent as in the case of bonds issued by it. Any guaranty
41 of bonds of the authority and any ordinance authorizing the
42 guaranty is subject to all statutory or other debt limitations
43 including particularly any limitation or requirement under or
44 pursuant to the "Local Bond Law" (N.J.S. 40A:2-1 et seq.), and the
45 principal amount of bonds guaranteed pursuant to the ordinance
46 shall be included in the gross and net debt of the municipality for
47 the purpose of determining the indebtedness of the municipality
48 under or pursuant to that law. Any payment made by a municipality

1 pursuant to a guaranty shall be considered "debt service" for
2 purposes of the municipal spending limitations in P.L.1976,
3 c.68, s.3 (C.40A:4-45.3).

4 c. Every municipality which shall make any contract, covenant
5 or agreement with an authority or pledge to an authority pursuant to
6 this section is hereby authorized and directed to do and perform any
7 and all acts or things necessary, convenient or desirable to carry out
8 and perform the same and to provide for the payment or discharge
9 of any obligation thereunder in the same manner as other
10 obligations of the municipality. Every authority is hereby
11 empowered to accept, and make and enter into, any of the contracts,
12 covenants, agreements or contractual provisions referred to in this
13 section and is hereby authorized and directed to do and perform any
14 and all acts and things necessary, convenient or desirable to carry
15 out and perform the same. The contract, covenant, agreement or
16 pledge, and any instrument making or evidencing the same, may be
17 pledged or assigned by the authority to secure its bonds and
18 thereafter may not be modified except as provided by the terms of
19 that instrument or by the terms of that pledge or assignment.

20 d. The secretary of an authority created by a municipality shall
21 certify and deliver a copy of the approved minutes of every meeting
22 of the authority to the mayor and each member of the governing
23 body of the municipality by the end of the fifth business day
24 following the meeting at which the minutes were approved. No
25 action taken at a meeting of an authority created by a municipality
26 shall take effect until 10 days after the date of delivery. Within 10
27 days of the date of delivery, the mayor of a municipality that has
28 created an authority, with the consent of a majority of the members
29 of the governing body of the municipality, may veto any action
30 taken by the authority, or any member thereof, at a meeting of the
31 authority. If the mayor takes no action with respect to the minutes
32 within the 10-day period, the minutes shall be deemed to be
33 approved. An action taken at a meeting of an authority created by a
34 municipality shall not take effect if, within 10 days after the date of
35 delivery, the mayor and governing body veto the action taken by the
36 authority, or a member thereof, and return to the authority a copy of
37 the minutes with a veto of the action taken. The veto power
38 accorded under this subsection shall not affect in any way the
39 covenants contained in the bond indentures of the authority, or any
40 collective bargaining agreement or binding arbitration decisions
41 affecting employees of the authority.

42 (cf: P.L.1981, c.547, s.1)

43
44 9. Section 3-10 of P.L.1950, c.210 (C.40:69A-40) is amended
45 to read as follows:

46 3-10. The mayor shall:

47 a. Enforce the charter and ordinances of the municipality and
48 all general laws applicable thereto;

1 b. Report annually to the council and to the public on the state
2 of the municipality, and the work of the previous year; he shall also
3 recommend to the council whatever action or programs he deems
4 necessary for the improvement of the municipality and the welfare
5 of its residents. He may from time to time recommend any action
6 or programs he deems necessary or desirable for the municipality to
7 undertake;

8 c. Supervise, direct and control all departments of the
9 municipal government and shall require each department to make an
10 annual and such other reports on its work as he may deem desirable;

11 d. Require such reports and examine such accounts, records
12 and operations of any board, commission or other agency of
13 municipal government, as he deems necessary;

14 e. Prepare and submit to the council for its consideration and
15 adoption an annual operating budget and a capital budget, establish
16 the schedules and procedures to be followed by all municipal
17 departments, offices and agencies in connection therewith, and
18 supervise and administer all phases of the budgetary process;

19 f. Supervise the care and custody of all municipal property,
20 institutions and agencies, and make recommendations concerning
21 the nature and location of municipal improvements and execute
22 improvements determined by the governing body;

23 g. Sign all contracts, bonds or other instruments requiring the
24 consent of the municipality;

25 h. Review, analyze and forecast trends of municipal services
26 and finances and programs of all boards, commissions, agencies and
27 other municipal bodies, and report and recommend thereon to the
28 council;

29 i. Supervise the development, installation and maintenance of
30 centralized budgeting, personnel and purchasing procedures as may
31 be authorized by ordinance;

32 j. Negotiate contracts for the municipality, subject to council
33 approval;

34 k. Assure that all terms and conditions imposed in favor of the
35 municipality or its inhabitants in any statute, franchise or other
36 contract are faithfully kept and performed;

37 l. Serve as an ex officio, nonvoting member of all appointive
38 bodies in municipal government of which he is not an official
39 voting member;

40 m. Have authority to veto the minutes of a local authority
41 pursuant to the provisions of section 22 of P.L.1983, c.313
42 (C.40A:5A-22).

43 (cf: P.L.1985, c.374, s.5)

44
45 10. Section 9-7 of P.L.1950, c.210 (C.40:69A-87) is amended to
46 read as follows:

47 9-7. a. The mayor shall preside at all meetings of the
48 municipal council and shall have a voice and vote in its

1 proceedings. He shall fill vacancies occurring in the trustees of the
2 public library and in the board of education where the municipality
3 is operating under chapter 6 of Title 18 of the Revised Statutes for
4 such terms of office as are provided by law. All bonds, notes,
5 contracts and written obligations of the municipality shall be
6 executed on its behalf by the mayor or, in the event of his inability
7 to act, by such councilman as the municipal council shall designate
8 to act as mayor during his absence or disability. The powers and
9 duties of the mayor shall be only such as are expressly conferred
10 upon him by this article.

11 b. The mayor may veto the minutes of a local authority
12 pursuant to the provisions of section 22 of P.L.1983, c.313
13 (C.40A:5A-22).

14 (cf: P.L.1950, c.210, s.9-7)

15

16 11. Section 13-7 of P.L.1950, c.210 (C.40:69A-121) is amended
17 to read as follows:

18 13-7. The executive power of the municipality shall be
19 exercised by the mayor. It shall be his duty to see that all laws and
20 ordinances in force and effect within the municipality are observed.
21 The mayor may veto the minutes of a local authority pursuant to the
22 provisions of section 22 of P.L.1983, c.313 (C.40A:5A-22). He
23 shall address the council and report to the residents annually, and at
24 such other times as he may deem desirable, on the condition of the
25 municipality and upon its problems of government.

26 (cf: P.L.1950, c.210, s.13-7)

27

28 12. Section 36 of P.L.1981, c.465 (C.40:69A-149.7) is amended
29 to read as follows:

30 36. a. Each ordinance adopted by the council shall be submitted
31 to the mayor, and he shall within 10 days after receiving it either
32 approve the ordinance by affixing his signature thereto or return it
33 to the council by delivering it to the municipal clerk, together with a
34 written statement of his objections thereto or to any item or part
35 thereof. No ordinance, or any item or part thereof, shall take effect
36 without the mayor's approval unless the mayor fails to return an
37 ordinance to the council within 10 days after it has been presented
38 to him, or unless the council, upon reconsideration thereof on or
39 after the third day following its return by the mayor, shall resolve to
40 override the mayor's veto by a vote of at least 2/3 of the members.

41 b. The mayor may veto the minutes of a local authority
42 pursuant to the provisions of section 22 of P.L.1983, c.313
43 (C.40A:5A-22).

44 (cf: P.L.1981, c.465, s.36)

45

46 13. R.S.40:72-10 is amended to read as follows:

47 40:72-10. At the first meeting after their election the
48 commissioners shall choose one of their number to preside at all

1 meetings of the board. He shall be designated "mayor" but shall
2 have no power to veto any measure, except as provided for in
3 R.S.40:72-11.

4 (cf: R.S.40:72-10)

5
6 14. R.S.40:72-11 is amended to read as follows:

7 40:72-11. The mayor shall be president of the board and shall
8 preside at its meetings, supervise all departments and report to the
9 board for its action all matters requiring the attention of the board
10 or any department. The mayor may veto the minutes of a local
11 authority pursuant to the provisions of section 22 of P.L.1983, c.313
12 (C.40A:5A-22).

13 (cf: R.S.40:72-11)

14
15 15. R.S.40:81-8 is amended to read as follows:

16 40:81-8. a. The mayor shall preside at all meetings of the
17 municipal council and shall have a voice and vote in its
18 proceedings, but shall not have the power of veto, except as
19 provided for in subsection b. of this section. He shall fill vacancies
20 occurring in the trustees of the public library for such terms of
21 offices as are provided by law. All bonds, notes, contracts and
22 written obligations of the municipality shall be executed on its
23 behalf by the mayor or, in the event of his inability to act, by such
24 councilman as the municipal council shall designate to act as mayor
25 during his absence or disability. The powers and duties of the
26 mayor shall be only such as are expressly conferred upon him by
27 this subtitle.

28 b. The mayor may veto the minutes of a local authority
29 pursuant to the provisions of section 22 of P.L.1983, c.313
30 (C.40A:5A-22).

31 (cf: R.S.40:81-8)

32
33 16. Section 17 of P.L.1992, c.79 (C.40A:12A-17) is amended to
34 read as follows:

35 17. a. Except as provided in subsection b. of this section, the
36 governing body of any county or municipality may, by ordinance,
37 or by resolution in the case of a county whose charter does not
38 provide for the adoption of ordinances, create a body corporate and
39 politic to be known as the "Housing Authority of . . .," inserting the
40 name of the county or municipality. The authority shall constitute
41 an agency and instrumentality of the municipality or county
42 creating it. A housing authority shall be created pursuant to the
43 procedures of the "Local Authorities Fiscal Control Law,"
44 P.L.1983, c.313 (C.40A:5A-1 et seq.). The authority shall consist of
45 seven members. In a county that operates under the "county
46 executive plan" set forth in the "Optional County Charter Law,"
47 P.L.1972, c.154 (C.40:41A-1 et seq.), six members shall be
48 appointed by the county executive with the advice and consent of

1 the board of chosen freeholders, and one member shall be appointed
2 by the Commissioner of Community Affairs. In all other counties
3 and municipalities, five members shall be appointed by the
4 governing body of the county or municipality, as the case may be,
5 one by the mayor or other chief executive officer of the
6 municipality, or in the case of a county by the director of the board
7 of chosen freeholders or by the chief executive officer of the county
8 if the county's charter provides for such an officer, and one by the
9 Commissioner of Community Affairs. The members shall serve for
10 terms of five years and until their respective successors have been
11 appointed and qualified; except that of the five members first
12 appointed by the governing body one shall be appointed for a term
13 of one year, one for a term of two years, one for a term of three
14 years, one for a term of four years and one for a term of five years.
15 All appointments shall be subject to and made in the manner
16 required by the law under which the county or municipality is
17 governed. Vacancies shall be filled in the same manner as the
18 original appointments were made, but for the unexpired term. If a
19 vacancy is not filled by the county executive, governing body or
20 chief executive officer within 90 days of the occurrence of the
21 vacancy, the Commissioner of the Department of Community
22 Affairs shall notify the county executive, governing body or chief
23 executive officer of his intent to fill the vacancy if it is not filled in
24 30 days. If the vacancy is not filled within that 30 day period, the
25 commissioner may appoint a member for the unexpired term.

26 In any county or municipality which has heretofore created a
27 housing authority pursuant to R.S.55:14A-4, the members of the
28 authority who were appointed by the governing body and the chief
29 executive officer of the county or municipality and who are in
30 office upon the effective date of **【this act】** P.L.1992, c.79
31 (C.40A:12A-1 et seq.) shall continue in office until the expiration of
32 the terms for which they are appointed and qualified in accordance
33 with the terms of **【this act】** P.L.1992, c.79 (C.40A:12A-1 et seq.).

34 b. No municipality which has been included with its consent
35 within the area of operation of a county housing authority shall
36 thereafter create a municipal housing authority. Where there is no
37 housing authority in existence in any municipality of a county, the
38 governing body of that county may create a housing authority, and
39 thereafter no municipality within that county shall create an
40 authority without the consent of the county governing body and the
41 county housing authority.

42 c. A county may provide such publicly assisted housing
43 programs as it chooses anywhere within the county; but it may
44 provide such programs in municipalities which are within the area
45 of operation of a county or municipal housing authority only after
46 adoption of a resolution of the housing authority consenting thereto.

47 d. No more than one member of a housing authority may be an
48 officer or employee of the municipality or county by which the

1 authority is created. A certificate of the appointment or
2 reappointment of any member shall be filed with the clerk of the
3 municipality or the county, as the case may be, and that certificate
4 shall be conclusive evidence of the due and proper appointment of
5 that member. A member of an authority shall receive no
6 compensation for his services, but shall be entitled to
7 reimbursement for actual expenses necessarily incurred in the
8 discharge of the duties of membership, including travel expenses.
9 The powers of the authority shall be vested in the members thereof
10 in office from time to time. Four members shall constitute a quorum
11 of the authority for the purpose of conducting its business and
12 exercising its powers and all other purposes. Action may be taken
13 by the authority upon the affirmative vote of the majority, but not
14 less than four of the members present, unless in any case the bylaws
15 of the authority shall require a larger number. The authority shall
16 select a chairman and a vice-chairman from among its members,
17 and shall employ an executive director, who shall be its secretary.

18 e. No member or employee of an authority shall acquire any
19 interest, direct or indirect, in any housing project or in any property
20 included or planned to be included in such a project, nor shall he
21 have any interest, direct or indirect, in any contract or proposed
22 contract for materials and services to be furnished or used in
23 connection with any housing project. If any member or employee
24 of an authority owns or controls an interest, direct or indirect, in
25 any property included or planned to be included in a housing project
26 he shall immediately disclose the same in writing to the authority
27 and the disclosure shall be entered upon the minutes of the
28 authority. Failure to disclose such an interest shall constitute
29 misconduct in office. A member or employee required by this
30 subsection to make such a disclosure shall not participate in any
31 action by the authority affecting the property with respect to which
32 such disclosure is required. For inefficiency or neglect of duty or
33 misconduct in office a member of an authority may be removed by
34 the governing body or officer by which he was appointed; but a
35 member may be removed only after he has been given a copy of the
36 charges at least 10 days prior to a hearing thereon and has had the
37 opportunity to be heard in person or by counsel. In the event of a
38 removal of any member of an authority a record of the proceedings,
39 together with the charges and findings thereon, shall be filed in the
40 office of the clerk of the county or municipality.

41 f. The secretary of an authority created by a municipality shall
42 certify and deliver a copy of the approved minutes of every meeting
43 of the authority to the mayor and each member of the governing
44 body of the municipality by the end of the fifth business day
45 following the meeting at which the minutes were approved. No
46 action taken at a meeting of an authority created by a municipality
47 shall take effect until 10 days after the date of delivery. Within 10
48 days of the date of delivery, the mayor of a municipality that has

1 created an authority, with the consent of a majority of the members
2 of the governing body of the municipality, may veto any action
3 taken by the authority, or any member thereof, at a meeting of the
4 authority. If the mayor takes no action with respect to the minutes
5 within the 10-day period, the minutes shall be deemed to be
6 approved. An action taken at a meeting of an authority created by a
7 municipality shall not take effect if, within 10 days after the date of
8 delivery, the mayor and governing body veto the action taken by the
9 authority, or a member thereof, and return to the authority a copy of
10 the minutes with a veto of the action taken. The veto power
11 accorded under this subsection shall not affect in any way the
12 covenants contained in the bond indentures of the authority, or any
13 collective bargaining agreement or binding arbitration decisions
14 affecting employees of the authority.

15 (cf: P.L.1993, c.344, s.1)

16
17 17. N.J.S.40A:60-5 is amended to read as follows:

18 40A:60-5. a. The mayor shall be the head of the municipal
19 government.

20 b. The mayor shall have all those powers designated by general
21 law.

22 c. The mayor shall preside at meetings of the council and may
23 vote to break a tie.

24 d. Every ordinance adopted by the council shall, within five
25 days after its passage, Sundays excepted, be presented to the mayor
26 by the borough clerk. The mayor shall, within ten days after
27 receiving the ordinance, Sundays excepted, either approve the
28 ordinance by affixing his signature thereto or return it to the council
29 by delivering it to the clerk together with a statement setting forth
30 his objections thereto or any item or part thereof. No ordinance or
31 any item or part thereof shall take effect without the mayor's
32 approval, unless the mayor fails to return the ordinance to the
33 council, as prescribed above, or unless the council, upon
34 consideration of the ordinance following its return, shall, by a vote
35 of two-thirds of all the members of council, resolve to override the
36 veto.

37 e. No ordinance shall be passed, or appointment of any
38 subordinate officer of the borough be confirmed, except by a vote
39 of a majority of the members of the council present at the meeting,
40 provided that at least three affirmative votes shall be required for
41 such purpose, the mayor voting only in the case of a tie.

42 f. If any ordinance contains more than one distinct section,
43 clause or item, the mayor may approve one or more thereof and
44 veto the rest.

45 g. The mayor shall nominate and, with the advice and consent
46 of council, appoint all subordinate officers of the borough, unless
47 the specific terms of the general law clearly require a different

1 appointment procedure. He shall make his nomination to any such
2 office within thirty days of that office becoming vacant.

3 h. The mayor shall see to it that the laws of the State and the
4 ordinances of the borough are faithfully executed. He shall
5 recommend to the council such measures as he may deem necessary
6 or expedient for the welfare of the borough. He shall maintain
7 peace and good order and have the power to suppress all riots and
8 tumultuous assemblies in the borough.

9 i. The mayor may veto the minutes of a local authority
10 pursuant to the provisions of section 22 of P.L.1983, c.313
11 (C.40A:5A-22).
12 (cf: N.J.S.40A:60-5)

13

14 18. N.J.S.40A:61-4 is amended to read as follows:

15 40A:61-4. a. The mayor shall be the chief executive officer of
16 the city.

17 b. The mayor shall have all those powers designated by general
18 law.

19 c. The mayor may participate in any deliberation of the council
20 and, on any occasion where the council is unable to agree with
21 respect to the adoption of an ordinance or resolution, by reason of
22 being equally divided in a vote therein, the mayor shall have the
23 power to cast a vote to break a tie.

24 d. Every ordinance adopted by the council shall, within five
25 days after its passage, Sundays excepted, be presented to the mayor
26 by the city clerk. The mayor shall, within 10 days after receiving
27 the ordinance, Sundays excepted, either approve the ordinance by
28 affixing his signature thereto or return it to the council by delivering
29 it to the clerk together with a statement setting forth his objections
30 thereto or any item or part thereof. No ordinance or any item or part
31 thereof shall take effect without the mayor's approval, unless the
32 mayor fails to return the ordinance to the council, as prescribed
33 above, or unless the council, upon consideration of the ordinance
34 following its return, shall, by a vote of two-thirds of all the
35 members of council, resolve to override the veto.

36 e. The mayor shall see to it that the laws of the State and the
37 ordinances of the city are faithfully executed. He shall recommend
38 to the council such measures as he may deem necessary or
39 expedient for the welfare of the city. He shall maintain peace and
40 good order and have the power to suppress all riots and tumultuous
41 assemblies in the city.

42 f. The mayor shall be the head of the police department and
43 shall have the power to appoint, suspend or remove all employees
44 of the police department. He shall appoint the chief of police and
45 such captains and sergeants as may be authorized by ordinance,
46 with the advice and consent of council. He shall control and direct
47 the police force of the city and he may appoint such special
48 policemen as he may deem necessary for the preservation of public

1 order. He shall enforce the laws of the State and the ordinances of
2 the city.

3 g. The mayor shall supervise the official acts of the city
4 employees and report derelictions of duty to the council.

5 h. The mayor may veto the minutes of a local authority
6 pursuant to the provisions of section 22 of P.L.1983, c.313
7 (C.40A:5A-22).

8 (cf: N.J.S.40A:61-4)

9

10 19. N.J.S.40A:62-5 is amended to read as follows:

11 40A:62-5. a. The councilman-at-large shall be officially known
12 and designated as the mayor of (the name of the
13 town in which he is elected). He shall be so designated in all
14 official documents and instruments of every kind, and shall sign all
15 ordinances, warrants, bonds, notes, contracts and all other official
16 documents and instruments by said title.

17 b. The mayor shall be the head of the municipal government.

18 c. The mayor shall have all those powers placed in the mayor
19 by general law.

20 d. The mayor shall be known as the chairman of the council,
21 preside at all its meetings and possess all the powers of a member
22 of council.

23 e. Every ordinance adopted by the council shall be presented to
24 the mayor within five days after its passage, Sundays excepted, by
25 the town clerk. The mayor shall, within ten days after receiving the
26 ordinance, either approve it by affixing his signature thereto or
27 return it to the council by delivering it to the clerk together with a
28 statement setting forth his objections thereto. No ordinance shall
29 take effect without the mayor's approval, unless the mayor fails to
30 return the ordinance to the council, as prescribed above, or unless
31 the council, upon consideration of the ordinance following its
32 return, shall, by a vote of two-thirds of all members of the council,
33 resolve to override the veto.

34 f. No ordinance shall be passed except by a vote of a majority
35 of the members of the council present at the meeting, provided that
36 at least four affirmative votes shall be required for such purpose.

37 g. The mayor shall appoint all of the members of the municipal
38 utilities authority in municipalities where such an authority has
39 been created by the municipal governing body pursuant to the
40 provisions of P.L.1957, c.183 (C.40:14B-1 et seq.).

41 h. The mayor may veto the minutes of a local authority
42 pursuant to the provisions of section 22 of P.L.1983, c.313
43 (C.40A:5A-22).

44 (cf: P.L.1991, c.10, s.2)

45

46 20. N.J.S.40A:63-5 is amended to read as follows:

47 40A:63-5. a. The mayor shall be the chairman of the township
48 committee and head of the municipal government. In those

1 townships divided into wards the mayor shall be the member of the
2 township committee elected at large.

3 b. The mayor shall have all those powers placed in the mayor
4 by general law.

5 c. The mayor shall preside at meetings of the committee and
6 shall have the right to debate and vote on all questions before the
7 committee.

8 d. The mayor may veto the minutes of a local authority
9 pursuant to the provisions of section 22 of P.L.1983, c.313
10 (C.40A:5A-22).

11 (cf: N.J.S.40A:63-5)

12

13 21. This act shall take effect immediately.

14

15

16 STATEMENT

17

18 This bill would authorize the mayor of a municipality that has
19 created an authority, with the consent of a majority of the members
20 of the municipality's governing body, to veto any action taken by
21 certain municipal authorities.

22 The bill requires certain local authorities, including municipal
23 hospital, parking, incinerator, port, and housing authorities, to
24 submit their minutes to the municipality. The bill does not provide a
25 mayor with the power to veto the minutes of certain tourism
26 authorities.